

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re: § Chapter 11
FIELDWOOD ENERGY, LLC, *et al.*, § Case No. 20-33948 (MI)
Debtors.¹ § (Jointly Administered)

**JOINDER AND RESERVATION OF RIGHTS REGARDING HCC
INTERNATIONAL INSURANCE COMPANY PLC'S
EMERGENCY MOTION IN LIMINE**

BP Exploration & Production Inc. (“BP”), files this joinder and reservation of rights with respect to *HCC International Insurance Company PLC's Emergency Motion in Limine* [Docket No. 1559] (the “Emergency Motion in Limine”) and in support thereof, BP states as follows:

1. BP hereby joins HCC International Insurance Company, PLC's request that lay witnesses not be permitted to provide expert testimony at the confirmation hearing for largely the same reasons set forth in the Emergency Motion in Limine.

2. BP notes that under the facts of these cases, the feasibility of the Plan involves complex analyses about future events that are not proper subjects of lay testimony because such testimony would necessarily be based upon “scientific, technical, or other specialized knowledge” that is within the scope of Federal Rule of Evidence 702. *See* FED. R. EVID. 701(c); *see also* FED. R. BANK. P. 9017.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Fieldwood Energy LLC (6778), Fieldwood Energy Inc. (4991), Fieldwood Onshore LLC (3489), Fieldwood SD Offshore LLC (8786), Fieldwood Energy Offshore LLC (4494), Fieldwood Offshore LLC (2930), GOM Shelf LLC (8107), FW GOM Pipeline, Inc. (8440), Galveston Bay Procession LLC (5703), Galveston Bay Procession LLC (0422), Fieldwood Energy SP LLC (1971), Dynamic Offshore Resources NS, LLC (0158), Bandon Oil and Gas, LP (9266), and Bandon Oil and Gas GP, LLC (9172). The Debtors' primary mailing address is 2000 W. Sam Houston Parkway S., Suite 1200, Houston, TX 77042.

3. BP will be prejudiced if Debtors are permitted to provide expert testimony on feasibility because BP either (1) has not had the opportunity to depose that witness or (2) was not on notice that the witness would be providing expert testimony on the relevant topic(s) when BP had an opportunity to depose that witness.

4. Most troublesome is the fact that Debtors have taken, and continue to take, the position that a traditional feasibility analysis is not necessary, *see* Debtors' Memorandum in Support of Confirmation, Paragraph 6 [Dkt. 1553], only to have Mr. Dane attempt to offer cursory expert testimony regarding feasibility. *See* Michael Dane Declaration, Paragraph 94 [Dkt. 1558]. If Debtors believe that a traditional feasibility analysis is not necessary, Debtors should stand on their legal argument(s) and not attempt to have Mr. Dane testify on expert matters for which he was never disclosed.

5. BP reserves and preserves all rights with respect to these bankruptcy cases, all rights under any contracts and operating agreements, all rights related to any notices of assumption and cure, and all rights with respect to any claim it may assert or has asserted in this case, including, but not limited to, administrative or priority claims that may arise, rights of setoff and subrogation, and claims for adequate protection to which it may be entitled, and all other rights in this case.

Wherefore, BP respectfully requests that this Court grant the Emergency Motion in Limine and such other and further relief to which BP may be entitled at law or in equity.

Dated: June 16, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 16, 2021, I caused a copy of the foregoing to be served on all parties eligible to receive service through the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas by electronic mail.

By: /s/ Karl D. Burrer
Karl D. Burrer